

AMENDED IN SENATE SEPTEMBER 8, 2005

AMENDED IN SENATE SEPTEMBER 6, 2005

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN SENATE JUNE 28, 2005

AMENDED IN ASSEMBLY APRIL 25, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1665**

**Introduced by Assembly Member Laird**

February 22, 2005

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An act to amend Section 8521 of, *to amend the heading of Part 4 (commencing with Section 8520) of Division 5 of*, to add Sections 8327, 8523, and 8524 to, ~~and to add Article 8 (commencing with Section 8725) to Chapter 3 of, and to add Chapter 9 (commencing with Section 9110) to, and to add and Chapter 10 (commencing with Section 9150) to, Part 4 of Division 5 of, the Water Code, relating to flood control, and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1665, as amended, Laird. Flood control.

(1) Existing law establishes the 7-member Reclamation Board in the department. Existing law authorizes the Reclamation Board to engage in various flood control activities along the Sacramento River, San Joaquin River, their tributaries, and related areas. Existing law requires the Reclamation Board to establish and enforce standards for the maintenance and operation of, and to undertake other

responsibilities with regard to, flood control works under its jurisdiction.

This bill would rename the Reclamation Board the Central Valley Flood Management Board. *The bill would require the Department of Water Resources, on or before March 31, 2006, to prepare a schedule for mapping areas at risk of flooding in the Sacramento and San Joaquin Rivers drainage, and, thereafter, to update the schedule annually. The bill would require the board to prepare and submit to the Legislature one or more reports describing the history and engineering design of the facilities of the state plan of flood control, as defined.*

*The bill would require, on or before September 30 of each year, that a local agency responsible for the operation and maintenance of a project levee, as defined, prepare and submit to the board a specified report of information for inclusion in periodic flood management reports prepared by the board relating to the project levee. The bill would authorize a local agency responsible for the operation and maintenance of a levee that is not otherwise subject to that reporting requirement to voluntarily prepare and submit that report. The bill would require the board, on or before September 1, 2007, and on or before September 1 of each year thereafter, to provide a prescribed written notice to each landowner whose property is determined to be entirely or partially within a levee protection zone, as defined. The bill would require a county to annually provide to the board lists of names and addresses of property owners in a levee protection zone located in that county. The bill would specify that a local agency responsible for the operation and maintenance of a project levee may propose to the board a project levee upgrade. By establishing requirements for local public agencies and counties, the bill would impact a state-mandated local program.*

*The bill would require the board to prepare a flood control system status report for each facility of the state plan of flood control and to prepare a report on the project levees operated and maintained by each local agency, using certain information, to be made available to the public and identified entities. The bill would require the board to prepare, update, and maintain maps for levee protection zones.*

~~The bill would require the department to prepare and submit to the Legislature, before January 1, 2010, a report describing the state plan of flood control. The bill would require the department, on or before~~

January 1, 2007, to prepare a schedule for mapping areas at risk of flooding in the Sacramento and San Joaquin Rivers drainage.

The bill would require a local agency responsible for the operation and maintenance of project works, on or before September 30 of each year, to prepare and submit to the board, in a format specified by the board, a report of information for inclusion in periodic flood management reports relating to the project, thereby imposing a state-mandated local program. The bill would require any county that includes a levee failure inundation zone, as defined, to identify each parcel of real property located in such a zone and to provide a written notice of flood hazard with the annual property tax assessment of each landowner determined by the county to own a parcel of real property located in a levee failure inundation zone, thereby imposing a state-mandated local program.

The bill would require the department, in cooperation with the board, before January 1, 2011, to prepare a flood control system status report, as prescribed. The bill would require the board to prepare a report on flood management for each local agency responsible for the operation and maintenance of a federal flood control facility of the facilities of the state plan of flood control, to be made available on the board's Internet Web site and provided to specified entities. The bill would require the board to prepare, update, and maintain levee failure inundation zone maps.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8327 is added to the Water Code, to  
2     read:

1     8327. *On or before March 31, 2006, the department shall*  
2 *prepare a schedule for mapping areas at risk of flooding in the*  
3 *Sacramento and San Joaquin Rivers drainage. The department*  
4 *shall update the schedule annually and shall include the status of*  
5 *mapping projects in progress and an estimated time of*  
6 *completion. The schedule shall be based on the present and*  
7 *expected future risk of flooding and associated consequences.*

8     SEC. 2. *The heading of Part 4 (commencing with Section*  
9 *8520) of Division 5 of the Water Code is amended to read:*

10  
11     PART 4. ~~THE RECLAMATION~~ CENTRAL VALLEY FLOOD  
12                     MANAGEMENT BOARD  
13

14     SEC. 3. *Section 8521 of the Water Code is amended to read:*

15     8521. *“Board” means the ~~Reclamation~~ Central Valley Flood*  
16 *Management Board. Any reference to the Reclamation Board in*  
17 *this or any other code means the Central Valley Flood*  
18 *Management Board.*

19     SEC. 4. *Section 8523 is added to the Water Code, to read:*

20     8523. *For the purposes of this part, “facilities of the state*  
21 *plan of flood control” means the levees, weirs, channels, and*  
22 *other features of the federal and state authorized flood control*  
23 *facilities located in the Sacramento and San Joaquin Rivers*  
24 *drainage for which the board or the department has given the*  
25 *nonfederal assurances to the United States required for the*  
26 *project, and those facilities identified in Section 8361.*

27     SEC. 5. *Section 8524 is added to the Water Code, to read:*

28     8524. *For the purposes of this part, “project levee” means*  
29 *any levee that is a part of the facilities of the state plan of flood*  
30 *control.*

31     SEC. 6. *Article 8 (commencing with Section 8725) is added to*  
32 *Chapter 3 of Part 4 of Division 5 of the Water Code, to read:*

33  
34                     Article 8. *State Plan of Flood Control*  
35

36     8725. (a) *The board shall prepare and submit to the*  
37 *Legislature one or more reports describing the history and*  
38 *engineering design of the facilities of the state plan of flood*  
39 *control using available information that includes all of the*  
40 *following:*

1     (1) *A description of the historical development of the state*  
2     *plan of flood control.*

3     (2) *An inventory and description of all facilities of the state*  
4     *plan of flood control, including information on the original*  
5     *purpose, foundation investigations, and design and construction*  
6     *of the project.*

7     (3) *The identification of maintaining agencies for specific*  
8     *facilities.*

9     (4) *A description of the roles and responsibilities of federal,*  
10    *state, and local agencies.*

11    (5) *A description of the purpose and limitations of the state*  
12    *plan of flood control.*

13    (6) *A description of all other relevant projects, programs, and*  
14    *activities that, in the determination of the board, are a material*  
15    *component of the state plan of flood control.*

16    (b) *On or before March 31, 2006, the board shall advise the*  
17    *Legislature, in writing, as to the board's schedule of*  
18    *implementation of subdivision (a).*

19    SEC. 7. *Chapter 9 (commencing with Section 9110) is added*  
20    *to Part 4 of Division 5 of the Water Code, to read:*

21  
22                   CHAPTER 9. LOCAL REPORTS

23  
24                   Article 1. Definitions

25  
26     9110. (a) *"Fiscal year" shall have the same meaning as in*  
27     *Section 13290 of the Government Code.*

28     (b) *"Levee protection zone" means the area protected by a*  
29     *project levee, as determined by the board, that consists of either*  
30     *of the following:*

31       (1) *Lands upon which the state or a local agency levies an*  
32       *assessment, fee, or charge on property explicitly for the*  
33       *maintenance or operation of a project levee.*

34       (2) *Lands determined by the board to be protected by a project*  
35       *levee.*

36  
37                   Article 2. Flood Management Reports

38  
39     9120. (a) *On or before September 30 of each year, a local*  
40     *agency responsible for the operation and maintenance of a*

1 *project levee shall prepare and submit to the board, in a format*  
2 *specified by the board, a report of information for inclusion in*  
3 *periodic flood management reports prepared by the board*  
4 *relating to the project levee. The information submitted to the*  
5 *board shall include all of the following:*

6 *(1) Information known to the local agency that is relevant to*  
7 *the condition or performance of the project levee.*

8 *(2) Information identifying known conditions that might*  
9 *impair or compromise the level of flood protection provided by*  
10 *the project levee.*

11 *(3) A summary of the maintenance performed by the local*  
12 *agency during the previous fiscal year.*

13 *(4) A statement of work and estimated cost for operation and*  
14 *maintenance of the project levee for the current fiscal year, as*  
15 *approved by the local agency.*

16 *(5) Any other information relevant to the condition or*  
17 *performance of the project levee, as determined by the board.*

18 *(b) A local agency described in subdivision (a) that operates*  
19 *and maintains a nonproject levee that also benefits land within*  
20 *the boundaries of the area benefited by the project levee shall*  
21 *include information pursuant to subdivision (a) with regard to*  
22 *the nonproject levee.*

23 *(c) A local agency that incurs costs for the maintenance or*  
24 *improvement of a project or nonproject levee under the delta*  
25 *levee maintenance subventions program established pursuant to*  
26 *Part 9 (commencing with Section 12980) of Division 6, may*  
27 *submit information submitted to satisfy the requirements of that*  
28 *program to meet the requirements of paragraph (3) of*  
29 *subdivision (a), but may do so only for that reach of the levee*  
30 *included in that program.*

31 *(d) A local agency responsible for the operation and*  
32 *maintenance of a levee not otherwise subject to this section may*  
33 *voluntarily prepare and submit to the department or the board a*  
34 *flood management report for posting on the Internet Web site of*  
35 *the department or the board.*

36 *(e) For the purposes of this section, the following terms have*  
37 *the following meanings:*

38 *(1) "Local agency" means a local agency responsible for the*  
39 *maintenance of a project levee unless the context requires*  
40 *otherwise.*

1 (2) "Maintenance" means maintenance as defined in  
2 subdivision (f) of Section 12878.

3 9121. (a) On or before September 1, 2007, and on or before  
4 September 1 of each year thereafter, the board shall provide  
5 written notice to each landowner whose property is determined  
6 to be entirely or partially within a levee protection zone.

7 (b) The notice shall include statements regarding all of the  
8 following:

9 (1) The property is located behind a levee.

10 (2) Levees reduce, but do not eliminate, the risk of flooding  
11 and are subject to catastrophic failure.

12 (3) If available, the level of flood risk as described in the flood  
13 control system status report described in Section 9150 and a  
14 levee protection zone map as prepared by the board in  
15 accordance with Section 9170.

16 (4) (A) The landowner is advised by the state to have flood  
17 insurance for any buildings on the property to protect the owner  
18 from loss.

19 (B) For the purpose of compliance with subparagraph (A), the  
20 notice shall contain the following statement:

21 NOTICE OF LEVEE PROTECTION ZONE

22 This property is located within an area identified by the State  
23 of California as a levee protection zone. Flooding due to the  
24 failure of a levee may cause significant risk to life and property.  
25 The State of California recommends that property owners in a  
26 levee protection zone obtain flood insurance, such as the  
27 insurance provided by the Federal Emergency Management  
28 Agency through the National Flood Insurance Program.

29 (5) Information about purchasing subsidized federal flood  
30 insurance.

31 (6) The Internet address of the Web site of the board that  
32 contains the information required by the flood management  
33 report described in Section 9160.

34 (7) Any other information determined by the board to be  
35 relevant.

36 (c) A county, with assistance from the board, shall annually  
37 provide to the board, by electronic means, lists of names and  
38 addresses of property owners in a levee protection zone located  
39 in that county.

1     9122. *A local agency responsible for the operation and*  
2 *maintenance of a project levee as defined in Section 8524, may*  
3 *propose to the board an upgrade of the project levee, if the local*  
4 *agency determines that the upgrade is appropriate. The local*  
5 *agency may implement that upgrade if approved by the board.*

6     SEC. 8. *Chapter 10 (commencing with Section 9150) is added*  
7 *to Part 4 of Division 5 of the Water Code, to read:*

8  
9                   CHAPTER 10. STATE REPORTS

10  
11                 Article 1. *Flood Control System Status Report*

12  
13     9150. (a) *The board shall prepare a flood control system*  
14 *status report for each facility of the state plan of flood control.*  
15 *For the purposes of preparing the report, the board shall inspect*  
16 *the project levees and review available information to ascertain*  
17 *whether there are evident deficiencies.*

18     (b) *The status report shall identify and describe each facility,*  
19 *estimate the risk of levee failure, include a discussion of the*  
20 *inspection and review described in subdivision (a), and make*  
21 *appropriate recommendations regarding the levees and future*  
22 *work activities.*

23     (c) *The report shall be updated, as determined by the board.*

24     (d) *The board shall report deficiencies and recommendations*  
25 *to the department and the Department of Finance in a timely*  
26 *manner.*

27     (e) *On or before March 31, 2006, the board shall advise, in*  
28 *writing, the Legislature as to the board's schedule of*  
29 *implementation of this section.*

30  
31                 Article 2. *Reports on Flood Management Activities by Local*  
32                                 *Agencies*

33  
34     9160. (a) *The board shall prepare a report on the project*  
35 *levees operated and maintained by each local agency, using*  
36 *information provided by the local agency pursuant to Section*  
37 *9120 and information from relevant portions of the following*  
38 *documents, as determined by the board:*

39     (1) *Annual inspection reports on local agency maintenance*  
40 *prepared by the department or the board.*



- 1     (2) *The state plan of flood control described in Section 8725.*  
2     (3) *The flood control system status report described in Section*  
3 *9150.*  
4     (4) *The schedule for mapping described in Section 8327.*  
5     (5) *Any correspondence, document, or information deemed*  
6 *relevant by the board.*  
7     (b) *The board shall make the flood management report for*  
8 *each local agency available on the Internet Web site of the board*  
9 *and shall provide the report to all of the following entities:*  
10     (1) *The department.*  
11     (2) *The local agency.*  
12     (3) *Any city or county within the local agency's jurisdiction.*  
13     (4) *Any public library located within the local agency's*  
14 *jurisdiction.*  
15     (c) *The report shall be completed by January 1, 2008, and*  
16 *may be updated as determined by the board.*  
17     (d) *A flood management report voluntarily submitted by a*  
18 *local agency pursuant to subdivision (d) of Section 9120 shall be*  
19 *made available on the Internet Web site of the board if the local*  
20 *agency has jurisdiction within the geographical boundaries of*  
21 *the board's jurisdiction. Otherwise, the report shall be made*  
22 *available on the Internet Web site of the department.*

23  
24             *Article 3. Levee Protection Zone Maps*  
25

- 26     9170. (a) *The board shall prepare, update, and maintain*  
27 *maps for levee protection zones, as defined in subdivision (b) of*  
28 *Section 9110. The maps shall include, if available, flood depth*  
29 *contours determined by the board.*  
30     (b) *It is the intent of the Legislature that the levee protection*  
31 *zone maps be widely distributed to appropriate governmental*  
32 *agencies, as determined by the board.*

33     ~~SECTION 1. The Legislature finds and declares all of the~~  
34 ~~following:~~

35     ~~(a) One of the first plans for flood control in the Central~~  
36 ~~Valley adopted by the Legislature was based on the August 10,~~  
37 ~~1910, report of the California Debris Commission. State adoption~~  
38 ~~of this report followed the efforts of local landowners and~~  
39 ~~agencies to control portions of the areas of potential flooding~~  
40 ~~with no general oversight and without appreciable success. The~~

1 ~~report envisioned standardization of levee heights and~~  
2 ~~construction of a system of weirs and bypasses to relieve stress~~  
3 ~~on the river levees. The state plan that has developed in the~~  
4 ~~ensuing years incorporated many existing local levees into the~~  
5 ~~system. The system of levees has improved navigation on state~~  
6 ~~waterways, reclaimed lands subject to inundation to permit their~~  
7 ~~development for agricultural purposes, and reduced the~~  
8 ~~frequency of flooding of certain urban centers that existed at the~~  
9 ~~time.~~

10 ~~(b) Subsequent legislative acts have amended and added to the~~  
11 ~~flood control system described in the Debris Commission report~~  
12 ~~under the State Water Resources Law of 1945 (Chapter 1~~  
13 ~~(commencing with Section 12570) and Chapter 2 (commencing~~  
14 ~~with Section 12639) of Part 6 of Division 6 of the Water Code).~~

15 ~~(c) Under the Federal Flood Control Act of 1944 (Public Law~~  
16 ~~78-534), the federal government was generally responsible for~~  
17 ~~designing and constructing channel improvements and~~  
18 ~~rectification. The state acted as the nonfederal sponsor under~~  
19 ~~federal law, was responsible for providing the necessary lands,~~  
20 ~~easements, and rights-of-way for the project, and provided~~  
21 ~~indemnification to the federal government. Local government~~  
22 ~~agencies maintained and operated the finished works to federal~~  
23 ~~standards. As specified in Section 12642 of the Water Code, in~~  
24 ~~all cases where the federal government does not maintain and~~  
25 ~~operate projects, it is the responsibility and duty of the county,~~  
26 ~~city, state agency, or public district affected to maintain and~~  
27 ~~operate flood control and other works, constructed pursuant to~~  
28 ~~Chapter 1 (commencing with Section 12570) and Chapter 2~~  
29 ~~(commencing with Section 12639) of Part 6 of Division 6 of the~~  
30 ~~Water Code after their completion and hold and save the state~~  
31 ~~and the United States free from damages. The state has limited~~  
32 ~~maintenance responsibilities for specified system structures and~~  
33 ~~flood channels under Section 8361 of the Water Code. Since~~  
34 ~~1986, federal law has required a nonfederal monetary~~  
35 ~~contribution for the costs of construction. Since 1988, state law~~  
36 ~~has required local cost-sharing with the state on nonfederal~~  
37 ~~construction costs. Maintenance and hold harmless obligations~~  
38 ~~have not changed.~~

39 ~~(d) The Legislature recognizes that by their nature, levees,~~  
40 ~~which are earthen embankments typically founded on fluvial~~

1 deposits, cannot offer complete protection from flooding, but can  
2 decrease its frequency.

3 (e) ~~The Legislature recognizes that the level of flood~~  
4 ~~protection afforded agricultural lands by the original flood~~  
5 ~~control system is not considered adequate to protect those lands~~  
6 ~~when developed for urban uses, and that a dichotomous system~~  
7 ~~of flood protection for urban and agricultural lands has developed~~  
8 ~~through many years of practice. The Legislature further~~  
9 ~~recognizes that levees built to reclaim and protect agricultural~~  
10 ~~land may be inadequate to protect urban development unless~~  
11 ~~those levees are significantly improved.~~

12 (f) ~~Flood plain management tools such as flood plain mapping,~~  
13 ~~the national flood insurance program, and the designated~~  
14 ~~floodway program, represent important supplemental activities to~~  
15 ~~educate the public about and protect the public from flood~~  
16 ~~hazards.~~

17 (g) ~~The unification of assorted local flood protection levees~~  
18 ~~and works into a coherent system under the regulatory control of~~  
19 ~~the Central Valley Flood Management Board is a reasonable plan~~  
20 ~~of flood control, even though levee failures sometimes occur.~~  
21 ~~The plan has provided substantial flood control and economic~~  
22 ~~benefits over many decades that greatly exceed the cumulative~~  
23 ~~economic losses due to floods. In many instances, the economic~~  
24 ~~losses that have been sustained due to flooding could have been~~  
25 ~~significantly mitigated or offset through the voluntary purchase~~  
26 ~~of flood insurance or local efforts to increase the level of flood~~  
27 ~~protection provided by their levees.~~

28 SEC. 2. ~~Section 8327 is added to the Water Code, to read:~~

29 8327. ~~On or before January 1, 2007, the department shall~~  
30 ~~prepare a schedule for mapping areas at risk of flooding in the~~  
31 ~~Sacramento and San Joaquin Rivers drainage. The department~~  
32 ~~shall update the schedule annually and shall include the status of~~  
33 ~~mapping projects in progress and an estimated time of~~  
34 ~~completion. The schedule should be based on the present and~~  
35 ~~expected future risk of flooding and associated consequences.~~  
36 ~~Mapping should include, at a minimum, flood plain mapping,~~  
37 ~~floodway mapping, and remapping.~~

38 SEC. 3. ~~Section 8521 of the Water Code is amended to read:~~

1     ~~8521. “Board” means the Central Valley Flood Management~~  
2 ~~Board. Any reference to the Reclamation Board in this code~~  
3 ~~means the Central Valley Flood Management Board.~~

4     ~~SEC. 4. Section 8523 is added to the Water Code, to read:~~

5     ~~8523. “Facilities of the state plan of flood control” means the~~  
6 ~~collective federal and state authorized flood control facilities and~~  
7 ~~projects located in the Sacramento and San Joaquin Rivers~~  
8 ~~drainage for which the board or the department has given the~~  
9 ~~nonfederal assurances to the United States required for the~~  
10 ~~project, and those facilities identified in Section 8361.~~

11     ~~SEC. 5. Section 8524 is added to the Water Code, to read:~~

12     ~~8524. “Federal levee” means any levee that is part of a~~  
13 ~~federal and state authorized flood control project located in the~~  
14 ~~Sacramento and San Joaquin Rivers drainage for which the board~~  
15 ~~or the department has given the nonfederal assurances to the~~  
16 ~~United States required for the project.~~

17     ~~SEC. 6. Article 8 (commencing with Section 8725) is added~~  
18 ~~to Chapter 3 of Part 4 of Division 5 of the Water Code, to read:~~

19  
20             ~~Article 8. State Flood Control Plan~~

21  
22     ~~8725. Before January 1, 2010, the department, in cooperation~~  
23 ~~with the board, shall prepare and submit to the Legislature a~~  
24 ~~report describing the state plan of flood control. The report shall~~  
25 ~~contain a detailed description and inventory of the flood control~~  
26 ~~system using available information that includes all of the~~  
27 ~~following:~~

28     ~~(a) A description of the historical development of the flood~~  
29 ~~control system.~~

30     ~~(b) An inventory and description of all facilities of the state~~  
31 ~~plan of flood control, including information on the original~~  
32 ~~purpose, foundation investigations, and design and construction~~  
33 ~~of the project.~~

34     ~~(c) The identification of maintaining agencies for specific~~  
35 ~~facilities.~~

36     ~~(d) A description of the roles and responsibilities of federal,~~  
37 ~~state, and local agencies.~~

38     ~~(e) A description of the purpose and limitations of the flood~~  
39 ~~control system.~~

1 ~~(f) A description of all other relevant projects, programs, and~~  
2 ~~activities that, in the determination of the department or the~~  
3 ~~board, are a material component of the state plan of flood control.~~

4 SEC. 7. Chapter 9 (commencing with Section 9110) is added  
5 to Part 4 of Division 5 of the Water Code, to read:

6  
7 CHAPTER 9. LOCAL REPORTS

8  
9 Article 1. Definitions

10  
11 9110. (a) "Fiscal year" shall have the same meaning as in  
12 Section 13290 of the Government Code.

13 (b) "Levee failure inundation zone" means the area protected  
14 by a federal levee as determined by the Central Valley Flood  
15 Management Board.

16  
17 Article 2. Flood Management Reports

18  
19 9120. (a) On or before September 30 of each year, a local  
20 agency responsible for the operation and maintenance of project  
21 works shall prepare and submit to the board, in a format specified  
22 by the board, a report of information for inclusion in periodic  
23 flood management reports relating to the project. The  
24 information submitted to the board shall include all of the  
25 following:

26 (1) Information known to the local agency that is relevant to  
27 the condition or performance of the project works.

28 (2) Information identifying known conditions that might  
29 impair or compromise the level of flood protection provided by  
30 the project works.

31 (3) A summary of the maintenance performed by the local  
32 agency during the previous fiscal year.

33 (4) A statement of work and estimated cost for operation and  
34 maintenance of project works for the current fiscal year, as  
35 approved by the local agency.

36 (5) Any other information relevant to the condition or  
37 performance of the project works, as determined by the board.

38 (b) A local agency that operates and maintains a nonproject  
39 levee that also benefits land within the boundaries of the area

1 benefitted by the project shall include information pursuant to  
2 subdivision (a) relating to the nonproject levee.

3 (c) A local agency that incurs costs for the maintenance or  
4 improvement of a project or nonproject levee under the delta  
5 levee maintenance subventions program established pursuant to  
6 Part 9 (commencing with Section 12980), may submit  
7 information submitted to satisfy the requirements of that program  
8 to meet the requirements of paragraph (3) of subdivision (a), but  
9 may do so only for that reach of the levee included in that  
10 program.

11 (d) A local agency responsible for the operation and  
12 maintenance of a flood control project not otherwise subject to  
13 this section may voluntarily prepare and submit to the department  
14 or the board a flood management report for posting on the  
15 Internet Web site of the department or the board.

16 (e) As used in this section:

17 (1) "Local agency" means a local agency responsible for the  
18 maintenance of project works.

19 (2) "Maintenance" means maintenance as defined in  
20 subdivision (f) of Section 12878.

21 (3) "Project" means a facility of the state plan of flood control,  
22 as defined in Section 8523.

23 9121. (a) Any county that includes a levee failure inundation  
24 zone shall identify each parcel of real property located wholly or  
25 in part in a levee failure inundation zone as that zone is  
26 determined by the board pursuant to Section 9170.

27 (b) Any county that includes a levee failure inundation zone  
28 shall provide a written notice of flood hazard with the annual  
29 property tax assessment of each landowner determined by the  
30 county to own a parcel of real property located in a levee failure  
31 inundation zone. The notice shall include statements regarding all  
32 of the following:

33 (1) The property is located behind a levee.

34 (2) Levees reduce, but do not eliminate, the risk of flooding  
35 and are subject to catastrophic failure.

36 (3) The level of flood risk as described in the flood control  
37 system status report described in Section 9150, the approximate  
38 maximum potential flood depth for each levee failure inundation  
39 zone in the county, and a levee failure inundation zone map for

1 the county as prepared by the board in accordance with Section  
2 9170.

3 (4) (A) The landowner is advised by the state to have flood  
4 insurance for any buildings on the property to protect the owner  
5 from loss.

6 (B) For the purpose of compliance with subparagraph (A), the  
7 notice shall contain the following statement:

8 NOTICE OF LEVEE FAILURE INUNDATION ZONE

9 This property is located within an area identified by the Central  
10 Valley Flood Management Board as a levee failure inundation  
11 zone. Flooding due to the failure of a federal flood protection  
12 levee may cause significant risk to life and property. The State of  
13 California recommends that property owners in levee failure  
14 inundation zones obtain flood insurance provided by the Federal  
15 Emergency Management Agency through the National Flood  
16 Insurance Program.

17 (5) Information about purchasing subsidized federal flood  
18 insurance.

19 (6) The Internet address of the Web site of the board that  
20 contains the information required by the flood management  
21 report described in Section 9160.

22 (7) Any other information determined by the department to be  
23 necessary.

24 (c) In preparing the annual written notice of flood hazard  
25 required by this section, each county shall employ inundation  
26 information and general descriptions developed by the board.

27 9122. A local agency responsible for the operation and  
28 maintenance of a federal flood control facility of the facilities of  
29 the state plan of flood control, as defined in Section 8523, may  
30 propose an upgrade to any federal flood control facility, if the  
31 local agency documents in its flood management report that the  
32 upgrade is appropriate. The local agency may implement that  
33 upgrade if approved by the board.

34 SEC. 8. Chapter 10 (commencing with Section 9150) is  
35 added to Part 4 of Division 5 of the Water Code, to read:

## CHAPTER 10. STATE REPORTS

## Article 1. Flood Control System Status Report

9150. (a) Before January 1, 2011, the department, in cooperation with the board, shall prepare a flood control system status report.

(b) The flood control system status report shall identify and describe the facilities of the state flood control system, including known deficiencies, using available information, and make appropriate recommendations.

(c) The report shall be updated periodically, as necessary, upon the appropriation of funds for that purpose.

## Article 2. Reports on Flood Management Activities by Local Agencies

9160. (a) The board shall prepare a report on flood management for each local agency responsible for the operation and maintenance of a federal flood control facility of the facilities of the state plan of flood control, as defined by Section 8523, using information provided by the local agency pursuant to Section 9120 and information from relevant portions of the following documents, as determined by the board:

(1) Annual inspection reports on local agency maintenance prepared by the department or board.

(2) The state plan of flood control described in Section 8725.

(3) The flood control system status report described in Section 9150.

(4) The schedule for mapping described in Section 8327.

(5) Any correspondence, document, or information deemed relevant by the board.

(b) The board shall make the flood management report for each local agency available on the Internet Web site of the board and shall provide the report to all of the following entities:

(1) The department.

(2) The local agency.

(3) Any city or county within the local agency's jurisdiction.

(4) Any public library located within the local agency's jurisdiction.



1 ~~(e) The flood management report shall be updated annually~~  
2 ~~upon the appropriation of funds for that purpose.~~

3 ~~(d) A flood management report voluntarily submitted by a~~  
4 ~~local agency pursuant to subdivision (d) of Section 9120 shall be~~  
5 ~~made available on the Internet Web site of the board if the local~~  
6 ~~agency has jurisdiction within the geographical boundaries of the~~  
7 ~~board's jurisdiction. Otherwise, the report shall be made~~  
8 ~~available on the Internet Web site of the department.~~

9  
10 ~~Article 3. Levee Failure Inundation Zone Maps~~  
11

12 ~~9170. (a) The board shall prepare, update, and maintain maps~~  
13 ~~for levee failure inundation zones, as defined in subdivision (b)~~  
14 ~~of Section 9110. The maps shall include flood depth contours~~  
15 ~~determined by the board.~~

16 ~~(b) It is the intent of the Legislature that the levee failure~~  
17 ~~inundation zone maps be widely distributed to appropriate~~  
18 ~~government agencies, as determined by the board.~~

19 SEC. 9. If the Commission on State Mandates determines that  
20 this act contains costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.

24 SEC. 10. This act is an urgency statute necessary for the  
25 immediate preservation of the public peace, health, or safety  
26 within the meaning of Article IV of the Constitution and shall go  
27 into immediate effect. The facts constituting the necessity are:

28 To reduce the threat to public safety resulting from levee  
29 failures and to reduce the state's future liability as the result of  
30 *Paterno v. State of California* (2003) 113 Cal. App. 4th 998, it is  
31 necessary that this act take effect immediately.